

400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343 - Telephone  
(516) 742-4366 - Facsimile  
e-mail: intprop@ssmp.com

**SCULLY, SCOTT, MURPHY  
& PRESSER**

**Fax**

**BEST AVAILABLE COPY**

**RECEIVED  
CENTRAL FAX CENTER**

**MAR 03 2006**

**To: Examiner: Bret C. Hayes  
Group Art Unit: 3641  
Confirmation No.: 2803**

**From: Leopold Presser, Esq.**

**Fax: 571-273-8300**

**Pages: 7 (Including fax cover sheet)**

**Phone:**

**Date: March 3, 2006**

**Re: Applicant: Gerd Kellner  
U.S. Patent Application No. 10/603,370  
Filing Date: June 25, 2003  
Docket: 16703**

**CC**

**RESPONSE TO RESTRICTION  
REQUIREMENT**

**TRANSMITTED HEREWITH:**

1. Amendment Transmittal Letter (in duplicate);
2. Response to Restriction Requirement; and
3. Certificate of Facsimile Transmission, dated March 3, 2006 (in duplicate).

**FOR:**

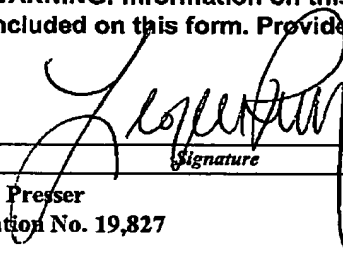
Applicant: Gerd Kellner  
U.S. Patent Application No. 10/603,370  
Filing Date: June 25, 2003  
Docket: 16703

**CONFIDENTIALITY:** The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Julie @ Ext. 569.

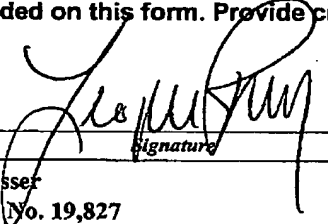
[illegible]

P18/REV02

|  |                                     |                             |   |  |                            |  |
|--|-------------------------------------|-----------------------------|---|--|----------------------------|--|
| <b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>   |                                     |                             |   |  | <b>Docket No.</b><br>16703 |  |
| Applicant(s): Gerd Kellner   |                                     |                             |   |  |                            |  |
| Application No.<br>10/603,370  | Filing Date<br>June 25, 2003        | Examiner<br>Bret C. Hayes   | Customer No.<br>23389   | Group Art Unit<br>3641                                 | Confirmation No.<br>2803   |  |
| Invention: MUNITION DEVICE   |                                     |                             |   | <b>RECEIVED<br/>CENTRAL FAX CENTER<br/>MAR 03 2006</b> |                            |  |
| <u>COMMISSIONER FOR PATENTS:</u>   |                                     |                             |   |  |                            |  |
| Transmitted herewith is an amendment in the above-identified application.<br>The fee has been calculated and is transmitted as shown below.  |                                     |                             |   |  |                            |  |
| <b>CLAIMS AS AMENDED</b>   |                                     |                             |   |  |                            |  |
|  | CLAIMS REMAINING<br>AFTER AMENDMENT | HIGHEST #<br>PREV. PAID FOR | NUMBER EXTRA<br>CLAIMS PRESENT  | RATE   | ADDITIONAL<br>FEE          |  |
| TOTAL CLAIMS   | 55 -                                | 55 =                        | 0   | x \$50.00  | \$0.00                     |  |
| INDEP. CLAIMS  | 3 -                                 | 3 =                         | 0   | x \$200.00   | \$0.00                     |  |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/>   |                                     |                             |   |  | \$0.00                     |  |
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>   |                                     |                             |   |  | <b>\$0.00</b>              |  |
| <input checked="" type="checkbox"/> No additional fee is required for amendment.<br><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____<br><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.<br><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <b>19-1013/SSMP</b><br><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.<br><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.<br><input type="checkbox"/> Payment by credit card. Form PTO-2038.<br><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b> |                                     |                             |   |  |                            |  |
| <br>Signature   |                                     |                             | Dated: March 3, 2006  |  |                            |  |
| Leopold Presser<br>Registration No. 19,827<br><br>Scully, Scott, Murphy & Presser, P.C.<br>400 Garden City Plaza - Suite 300<br>Garden City, New York 11530<br>(516) 742-4343  |                                     |                             | <div style="border: 1px solid black; padding: 5px;"><input checked="" type="checkbox"/> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____<br/>(Date)<br/><br/>_____<br/>Signature of Person Mailing Correspondence<br/><br/>_____<br/>Typed or Printed Name of Person Mailing Correspondence</div> |  |                            |  |
| cc: LP:jy  |                                     |                             |   |  |                            |  |

P11LARGE/REV09



|   |                                     |                             |   |                        |  |  |
|---|-------------------------------------|-----------------------------|---|------------------------|--|--|
| <b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>  |                                     |                             |   |                        | Docket No.<br>16703  |  |
| Applicant(s): Gerd Kellner  |                                     |                             |   |                        |  |  |
| Application No.<br>10/603,370   | Filing Date<br>June 25, 2003        | Examiner<br>Bret C. Hayes   | Customer No.<br>23389   | Group Art Unit<br>3641 | Confirmation No.<br>2803   |  |
| Invention: MUNITION DEVICE  |                                     |                             |   |                        |  |  |
| <u>COMMISSIONER FOR PATENTS:</u>  |                                     |                             |   |                        | <b>RECEIVED</b><br><b>CENTRAL FAX CENTER</b><br><b>MAR 03 2006</b> |  |
| Transmitted herewith is an amendment in the above-identified application.<br>The fee has been calculated and is transmitted as shown below.   |                                     |                             |   |                        |  |  |
| <b>CLAIMS AS AMENDED</b>  |                                     |                             |   |                        |  |  |
|   | CLAIMS REMAINING<br>AFTER AMENDMENT | HIGHEST #<br>PREV. PAID FOR | NUMBER EXTRA<br>CLAIMS PRESENT  | RATE                   | ADDITIONAL<br>FEE  |  |
| TOTAL CLAIMS  | 55 -                                | 55 =                        | 0   | x \$50.00              | \$0.00   |  |
| INDEP. CLAIMS   | 3 -                                 | 3 =                         | 0   | x \$200.00             | \$0.00   |  |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/>  |                                     |                             |   |                        | \$0.00   |  |
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>  |                                     |                             |   |                        | <b>\$0.00</b>  |  |
| <input checked="" type="checkbox"/> No additional fee is required for amendment.<br><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____<br><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.<br><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <b>19-1013/SSMP</b><br><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.<br><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.<br><input type="checkbox"/> Payment by credit card. Form PTO-2038. |                                     |                             |   |                        |  |  |
| <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>   |                                     |                             |   |                        |  |  |
| <br><b>Leopold Presser</b><br>Registration No. 19,827<br><br><b>Scully, Scott, Murphy &amp; Presser, P.C.</b><br>400 Garden City Plaza - Suite 300<br>Garden City, New York 11530<br>(516) 742-4343  |                                     |                             | Dated: March 3, 2006<br><br><div style="border: 1px solid black; padding: 5px;"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1458, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____<br/> _____<br/> (Date)<br/><br/> _____<br/> Signature of Person Mailing Correspondence<br/><br/> _____<br/> Typed or Printed Name of Person Mailing Correspondence </div> |                        |  |  |
| cc: LP:jy   |                                     |                             |   |                        |  |  |

P11LARGE/REV09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gerd Kellner

Examiner: Bret C. Hayes

Serial No: 10/603,370

Art Unit: 3641

RECEIVED  
CENTRAL FAX CENTER

Filed: June 25, 2003

Docket: 16703

MAR 03 2006

For: MUNITION DEVICE

Dated: March 3, 2006

Confirmation No.: 2803

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

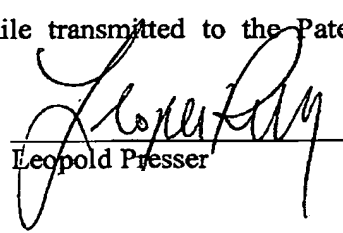
In response to the Office Action of February 3, 2006, wherein the Examiner requires a response to the restriction requirement and election of a single disclosed species, applicant herewith provisionally elects the embodiment shown in Figure 1B of the drawings, designated as Embodiment b.

However, applicant notes that Claim 1 is generic to essentially all of the embodiments disclosed in the present application, wherein the invention is directed to a hybrid munition device, and wherein the generic Claim 1 includes the structure which also incorporates the ALP concept (in effect, the Active Laterally-Effective Penetrator).

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: March 3, 2006

  
Leopold Presser

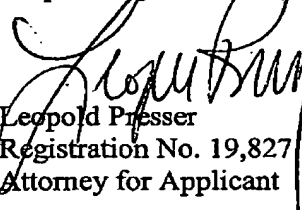
This concept, which is incorporated into generic Claim 1, is also applicable to all of embodiments as disclosed in the Office Action, and consequently, all of the various embodiments disclosed are of a primarily technological variation directed to a single inventive concept.

In view of the foregoing, although applicant elects the embodiment of Figure 1B of the drawings, the generic Claim 1 is considered to be directed to all of the embodiments, and favorable consideration of all of these in the present application is respectfully requested by the applicant.

Further, applicant respectfully requests that the Examiner proceed with an early examination on the merits of the elected embodiment, and, upon allowance of Claim 1, all of the remaining embodiments be permitted to remain in this application.

In the event that the Examiner has any queries concerning the instantly submitted Response, applicant's attorney respectfully requests that he be accorded the courtesy of possibly a telephone conference to discuss any matters in need of attention.

Respectfully submitted,

  
Leopold Presser  
Registration No. 19,827  
Attorney for Applicant

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza – Suite 300  
Garden City, New York 11530  
(516) 742-4343

LP:jy

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☐ **BLACK BORDERS**

☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**

☐ **FADED TEXT OR DRAWING**

☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**

☐ **SKEWED/SLANTED IMAGES**

☒ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**

☐ **GRAY SCALE DOCUMENTS**

☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**

☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**

☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**